

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DRAGAN VIDOVIC, <i>et al.</i> ,)	CASE NO. 1:10 CV 1833
)	
Plaintiffs,)	
)	
v.)	JUDGE DONALD C. NUGENT
)	
MENTOR PUBLIC SCHOOL DISTRICT)	
BOARD OF EDUCATION, <i>et al.</i> ,)	<u>MEMORANDUM OPINION</u>
)	<u>AND ORDER</u>
Defendants.)	

This matter is before the Court on third-party, Lake County Department of Job and Family Services's ("Lake County DJFS") Objection and Motion to Quash or Modify Subpoena. Lake County DJFS has asked the Court to quash the subpoena, or, in the alternative, to issue a protective order precluding production of its confidential records and related testimony, or conduct and *in camera* review of the requested records. (ECF #13). Defendants, in response, have asked the Court to conduct an *in camera* review of the requested records and to, thereafter, order disclosure of all relevant records. Although the records are protected to some degree by state confidentiality laws, they are not subject to an absolute privilege from disclosure in a federal court action. Therefore, Lake County DJFS shall turn over the requested records to the Court for an *in camera* review. The Court will then determine (1) whether the records are necessary and relevant to the pending action; (2) whether good cause has been shown by the

person seeking disclosure; and (3) whether the need for disclosure outweighs the confidentiality considerations set forth in the state confidentiality laws. *See, e.g., Thomas v. Cleveland Municipal School Dist.*, Case No. 1:05-CV-2216, 2006 U.S. Dist. Lexis 6484 (N.D. Ohio Feb. 21, 2006). Further, the parties should attempt to agree upon a proposed protective order for any documents that may be deemed discoverable. The requested records should be submitted to the Court for *in camera* review, along with a proposed protective order no later than June 29, 2011.

IT IS SO ORDERED.

/s/Donald C. Nugent
Donald C. Nugent
United States District Judge

Date: June 15, 2011